REMARKS

1.   Applicant thanks the Examiner for his remarks and observations, which have greatly assisted Applicant in responding.

2.   Final Rejection

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). MPEP § 706.07(a)

Applicant respectfully traverses the Final Rejection in this case as being premature. Applicant has presented no amendments that necessitated a new ground of rejection. The new ground of rejection was necessitated by Applicant's filing of a Rule 131 declaration establishing that the Portman reference was not prior art to the application.

After Applicant pointed out that the finality of the present rejection was premature during a telephone conversation on August 9, 2006, the Examiner agreed and stated that he would withdraw the finality of the present rejection.

3.   35 U.S.C. § 103

Claims 1, 3, and 6-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pricescan in view of U.S. patent no. 6,594,666 ("Biswas"). To describe the invention with greater clarity, Applicant amends claims 1, 22 and 23 to describe "distinguishing online providers from offline providers in said integrated list." Support for the amendment is found in Figure 2 (element 206) of the application and further in the specification at ¶ 0017 of U.S. published application no. 2003/0074627. There is no teaching or suggestion of such subject matter in the combination of Pricescan and Biswas. At page 12, Pricescan shows a listing of vendors. Certain vendors, who have linked directly

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to Pricescan, have a "Buy Now" icon added to their listing. However, there is no teaching or suggestion in Pricescan of <u>distinguishing online providers from offline providers in said integrated list</u>. Biswas, describing a location-aware application development framework, adds nothing to Pricescan. There is, therefore, no

5   teaching or suggestion of <u>distinguishing online providers from offline providers in said integrated list</u> in the combination of Pricescan and Biswas. Accordingly, the present rejection of the independent claims is deemed overcome. In view of their dependence from allowable parents, the dependent claims are deemed allowable without any separate consideration of their merits.
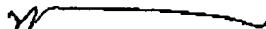
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CONCLUSION

In view of the foregoing, the Application is deemed to be in allowable

15   condition. Applicant therefore requests reconsideration and prompt allowance of the claims. Should the Examiner find it helpful, he is encouraged to contact applicant's attorney at 650-474-8400.

Respectfully submitted,

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